

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>IN RE:</b>	:	<b>CHAPTER 13</b>
<b>DAVID RAY FORDYCE</b>	:	
<b>BRENDA KAY FORDYCE</b>	:	<b>CASE NO. 1:13-bk-01288</b>
<b>fka Brenda Kay Strunge; fka Brenda Kay</b>	:	
<b>Albright,</b>	:	
<b>Debtors</b>	:	
	:	
<b>DAVID RAY FORDYCE</b>	:	
<b>BRENDA KAY FORDYCE</b>	:	
<b>fka Brenda Kay Strunge; fka Brenda Kay</b>	:	
<b>Albright,</b>	:	
<b>Movants</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>FIRST SELECT INC,</b>	:	
<b>Respondent</b>	:	

**MOTION TO AVOID JUDGMENT OF RESPONDENT  
UNDER SECTION 522(f) OF THE BANKRUPTCY CODE**

COME NOW the Debtors, by and through Dorothy L. Mott, Esquire and make this Motion respectfully stating in support thereof:

1. The Debtors filed a Chapter 13 Petition on 3/14/2013.
2. The Debtors are adult individuals residing at 1012 E Lisburn Road Mechanicsburg, PA 17055.
3. Respondent has a mailing address of 1415 ARVILLE ST, STE 102, LAS VEGAS, NV 89102.
4. The Respondent holds a judicial lien against the Debtor in the amount of \$10,738.16 entered in Cumberland County at docket number # 2001-2679.
5. The Debtors have listed all property the Debtors own on the Bankruptcy schedules.
6. All property listed by the Debtor has been exempted as follows:

<b>Asset</b>	<b>Value</b>	<b>Lien</b>	<b>Exemption</b>	<b>Equity</b>
<b>400 E Marble St, Mechanicsburg, PA 17055</b>	\$132,000.00	\$133,591.94	11 U.S.C. § 522(d)(1)	\$0.00
<b>Cash on hand</b>	\$2.00		11 U.S.C. § 522(d)(5)	\$2.00
<b>Checking: Americhoice</b>	\$0.00		11 U.S.C. § 522(d)(5)	\$0.00
<b>Checking: Jonestown Bank</b>	\$57.76		11 U.S.C. § 522(d)(5)	\$57.76
<b>Checking: Orrstown</b>	\$1,557.90		11 U.S.C. § 522(d)(5)	\$1,557.90
<b>Savings: Americhoice</b>	\$5.00		11 U.S.C. § 522(d)(5)	\$5.00
<b>2 beds, 2 dressers, night stand, sofa, chair, dining table a</b>	\$2,165.00		11 U.S.C. § 522(d)(3)	\$2,165.00
<b>Clothing</b>	\$200.00		11 U.S.C. § 522(d)(5)	\$200.00
<b>Clothing</b>	\$200.00		11 U.S.C. § 522(d)(5)	\$200.00
<b>Diamond and wedding band, costume jewelry</b>	\$350.00		11 U.S.C. § 522(d)(4)	\$350.00
<b>Wedding band, watch</b>	\$25.00		11 U.S.C. § 522(d)(4)	\$25.00
<b>Life Assurant universal</b>			11 U.S.C. § 522(d)(7)	\$0.00
<b>Term life through employer</b>			11 U.S.C. § 522(d)(7)	\$0.00
<b>401(k) 11 U.S.C. §541 (c)(2) Excluded from the Bankruptcy</b>				\$0.00
<b>2007 Kia Rio (Daughter's car in Debtor's name for , she pays</b>		\$2,016.00	11 U.S.C. § 522(d)(5)	\$0.00
<b>2009 Toyota Matrix S, front wheel drive; 28,000 miles</b>	\$11,912.00	\$19,156.00	11 U.S.C. § 522(d)(2)	\$0.00
<b>2012 Honda Civic EX, 2d; 24,000 miles</b>	\$16,450.00	\$14,757.00	11 U.S.C. § 522(d)(2)	\$1,693.00
<b>2 dogs, cat</b>				\$0.00
<b>Snow blower, lawn mower</b>	\$50.00		11 U.S.C. § 522(d)(5)	\$50.00

7. No one has challenged either the value of the property or the exemption claimed.
8. The Respondents do not have a purchase money security interest in household goods, or a possessory interest.
9. The judgment of the Respondent potentially stands to impair the exemption of the

Debtors under Section 522(d) of the Bankruptcy Code. The judgment is a judicial lien.

10. The Debtors seek under Section 522(f) of the Bankruptcy Code to avoid the judgment of the Respondent.

WHEREFORE, the Debtors respectfully request that this Court enter an Order avoiding the aforesaid judgment under Section 522(f) of the Bankruptcy Code and granting such other relief as this Court deems just.

Respectfully submitted,

/s/ Dorothy L. Mott

Dorothy L. Mott, Esquire

Attorney ID #43568

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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<b>fka Brenda Kay Strunge; fka Brenda Kay</b>	:	
<b>Albright,</b>	:	
<b>Debtors</b>	:	
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<b>DAVID RAY FORDYCE</b>	:	
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<b>fka Brenda Kay Strunge; fka Brenda Kay</b>	:	
<b>Albright,</b>	:	
<b>Movants</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>FIRST SELECT INC,</b>	:	
<b>Respondent</b>	:	

**CERTIFICATE OF SERVICE**

I, Dorothy L. Mott, hereby certify that on September 5, 2018, I served a copy of the notice and Motion to Avoid Lien electronically or by placing the same in the United States Mail, First Class, postage pre-paid, addressed as follows:

CHARLES J DEHART, III ESQUIRE ( via ECF)

FIRST SELECT INC  
1415 ARVILLE ST, STE 102  
LAS VEGAS, NV 89102

/s/ Dorothy L. Mott  
Dorothy L. Mott, Esquire  
Attorney ID #43568  
Mott & Gendron Law  
125 State Street  
Harrisburg, PA 17101  
(717) 232-6650 TEL  
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	:	
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<b>v.</b>	:	
	:	
<b>FIRST SELECT INC,</b>	:	
<b>Respondent</b>	:	

**ORDER**

UPON consideration of the foregoing Motion to Avoid Judgment of Respondent under Section 522(f) of the Bankruptcy Code , it is hereby

ORDERED AND DECREED that the relief prayed for in the Motion be, and hereby is granted, to wit, the judgment of FIRST SELECT INC in the approximate amount of \$10,738.16 entered in Cumberland County at docket number # 2001-2679 be and hereby is avoided; it is further

ORDERED AND DECREED that a certified copy of this Order may be filed with the Prothonotary of Cumberland County and the Prothonotary is directed to terminate the judgment in the judgment indices.

**UNITED STATES BANKRUPTCY COURT**  
**MIDDLE DISTRICT OF PENNSYLVANIA**

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):  
Chapter:13

David Ray Fordyce  
Brenda Kay Fordyce  
fka Brenda Kay Strunge; fka Brenda Kay Albright  
Debtors

Case number:1:13-bk-01288

Matter: Motion to Avoid Lien

David Ray Fordyce  
Brenda Kay Fordyce  
fka Brenda Kay Strunge; fka Brenda Kay Albright  
Movants

vs,  
FIRST SELECT INC  
Respondent

**NOTICE**

NOTICE OF OPPORTUNITY TO OBJECT AND HEARING: Pursuant to Local Rule 2002-1(a), the Court will consider this motion, objection or other matter without further notice or hearing unless a party in interest files an objection/response within twenty-one (21) days of the date of the notice. If you object to the relief requested, you must file your objection/response with the Clerk, U. S. Bankruptcy Court, 228 Walnut Street, Room 320, Harrisburg PA 17101 and serve a copy on the movant and movant's attorney, if one is designated.

If you file and serve an objection/response within the time permitted, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time permitted the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing, and may grant the relief requested.

Date: September 5, 2018

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